

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

07 Cr. 612 (DAB)

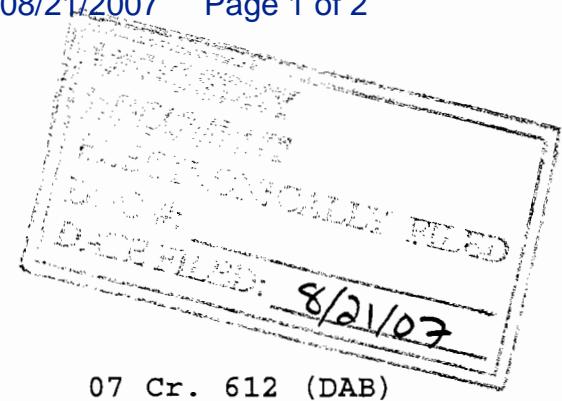
ORDER

HECTOR FLORES, JR.,

Defendant.

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DEBORAH A. BATTIS, United States District Judge

Pursuant to the Court's Order of August 1, 2007, the Court is in receipt of the Government's letter of August 9, 2007 and Defendant's responsive letter of August 15, 2007. It is clear to the Court that, instead of making case-specific arguments justifying the exclusion of time, the Government has submitted an exegesis on the general duties of competent defense counsel. The Court finds this useless banter particularly insulting when it presumes to tell a seasoned and zealous advocate of his responsibilities. Accordingly, the Court agrees with the Defendant that the Government has not set forth any compelling or even viable reason to exclude time in the interest of justice. The Court, however, does not agree with Defendant's interpretation of the relevance and import of United States v. Tunnessen, 763 F.2d 74, 77 (2d Cir. 1985) to the Orders and reasons set forth by this Court in attempting to resolve the dispute on the excludability of time in this matter. The Court



excluded time until September 15, 2007, assuming a substantive letter would be forthcoming from the Government. It was not, and the Court therefore has made its determination on excludability. The time from the original Government's motion to the Court's determination herein shall be excluded under the Speedy Trial Act. The clock starts running again, however, as of the day after the date of this Order.

Parties and Counsel are ordered to appear on Thursday, September 6, 2007 at 11:00 AM.

SO ORDERED.

Dated: New York, New York

August 21, 2007

Deborah A. Batts  
DEBORAH A. BATTTS  
United States District Judge